IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE P.S.NARAYANA

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WRIT PETITION NO : 12592 of 1997

Between:

1. M.Venkata Rama Koteswaraa Rao S/o D.Ramakrishna rao
   R/o Gudivada village & Mandal , Krishna District .
2. Dhoppalapudi Venkata Padmavathi W/o ravi Kumar
   R/o Gudivada village & Mandal , Krishna District .

..... PETITIONERS

AND

1. The District Collector , Machilipatnam , Krishna District.
2. The Revenue Divisional Officer, Gudivada, Krishna District.
3. The Mandal Revenue Officer , Nandiwada Mandal , Krishna District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ or order more particularly in nature of writ of Mandamus declaring the action of the respondents in preventing the petitioners from covering their lands into fish tank in Sy. No 7/19, total admeasuring Ac 4-58 cents, belongs to petitioner 1 and Sy. No. 7/19, 7, 7/16 and 7/15, admeasuring ac.1.00; 0-50 cents; ac 1-00 and ac.1-00 total admeasuring ac.3-50 cents, belongs to petitioner 2 situated at Nandiwada Village and Mandal, Krishna Dist. as violative of fundamental right of the petitioner herein under Article 19(1)(g) and 21 and 14 and also in violation of the Art.300-A of the Constitution of India and direct the respondents not to interfere with the petitioner exercising their rights in their
property.

Counsel for the Petitioners: MR.A.SRINIVASULU

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

O R D E R:

The present Writ Petition is filed to issue a Writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in preventing the petitioners from converting their lands into fish tank in Sy.Nos.7/19, total admeasuring Ac.4-58 cents belongs to petitioner No.1 and Sy.No.7/19, 7,7/16, and 7/15 admeasuring Ac.1-00, 0-50 cents, Ac.1-00 and Ac.1-00 total admeasuring Ac.3-50 cents belongs to the petitioner No.2 situated at Nandiwada village and Madnal, Krishna District, as violative of fundamental right of the petitioners herein under Article 19(1)(g) and 21 and 14 and also inviolation of Article 300-A of the Constitution of India and direct the respondents herein not to interfere with the petitioners in exercising their rights in their property and pass such other suitable orders.

2. In W.P.M.P.No.15119 of 1997, this Court on 19.06.1997 granted interim direction as prayed for subject to condition that the land and fish tank in question do not fall within the Coastal Regulation Zone area and the same is not covered by the notification issued under the Wild Life Protection Act. Even for the purpose of conversion, the petitioners are expected to follow the procedure and such a direction as prayed for by the writ petitioners in the present Writ Petition cannot be granted.

3. In view of the same, the Writ Petition is hereby disnussed subject to the above observation. No order as to costs.

Dated:22-12-2004. **P.S. NARAYANA, J**

Ccm

To

1. The District Collector, Machilipatnam , Krishna District.
2. The Revenue Divisional Officer, Gudivada, Krishna District.
3. The Mandal Revenue Officer, Nandiwada Mandal , krishna District.

4. 2 CCs to GP for Revenue, High Court Buildings, Hyderabad (OUT)

5. 2 CD copies.